

JOURNAL OF THE HOUSE.

Thursday, March 25, 2004.

Met at seven minutes after eleven o'clock A.M., in an Informal Session, with Mr. Bosley of North Adams in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

Gracious God, the Ultimate Source of Forgiveness and Truth, we take a moment for spiritual reflection and prayer. We are grateful for Your personal concern and care for us and for the many material and spiritual gifts which You give us daily. As we face each day's tasks and responsibilities, some pleasant and others difficult, we depend upon Your assistance to do the right thing. Help us to consider all issues and options carefully, to develop and follow our right conscience and to think through the consequences of our decisions. Inspire us to be alert to the issues of the day and to plan thoughtfully for the future of our communities and the best interest of future generations.

Grant Your blessings to the Speaker, the members and employees of this House and their families. Amen.

At the request of the Chair (Mr. Bosley), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Resignation of Representative Scott P. Brown of Wrentham.

The following communication, received by the Clerk, was read for the information of the House; and placed on file.

March 24, 2004.

The Honorable Thomas Finneran  
Speaker, House of Representatives  
State House, Room 356  
Boston, MA 02133

Dear Speaker Finneran:

I write you today to offer my resignation as State Representative for the Ninth Norfolk District effective upon my swearing in as the new Senator on Thursday, March 25, 2004, for the Norfolk, Bristol and Middlesex Senate District.

I greatly appreciate the support and confidence given to me while serving as State Representative and have been honored to represent the Ninth Norfolk District. I have gained valuable experience working with my fellow colleagues in the House of Representatives, many of whom I have grown to know well, and will miss working closely with.

I am thrilled to have the opportunity to serve in the public sector as State Senator. I want to thank you for your numerous courtesies extended to me and the residents of the Ninth Norfolk District during my tenure as State Representative. I look forward to continuing our working relationship and wish you continued success.

Thank you.

Sincerely,

SCOTT P. BROWN  
Senator-Elect  
Norfolk, Bristol and Middlesex District.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Resolutions (filed by Messrs. Atsalis of Barnstable and Demakis of Boston) honoring Metropolitan Methodios;

Metropolitan Methodios.

Resolutions (filed by Representatives Falzone of Saugus and Reinstein of Revere) honoring the Saugus High School mens ice hockey team on their recent Division II State Championship; and

Saugus High School, hockey team.

Resolutions (filed by Mr. Pedone of Worcester) on the twenty-fifth anniversary of the Center for Fire Safety Studies at Worcester Polytechnic Institute;

Eric C. Beisecker.

Mr. DiMasi of Boston, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Ms. Khan of Newton, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Orders.

The following order (filed by Mr. Straus of Mattapoisett) was referred, under Joint Rule 30, to the committees on Rules of the two branches, acting concurrently:

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Election Laws be granted until Wednesday, May 5, 2004 the time within which to report on Senate documents numbered 341, 347 and 363 and House documents numbered 335, 882, 1264, 1265, 2229, 2588, 2946 and 3854.

Election Laws committee, extension of time for reporting.

Mr. Scaccia of Boston, for the committees on Rules, then reported that the order ought to be adopted. Under suspension of the rules, on motion of Mr. deMacedo of Plymouth, the order was considered forthwith; and it was adopted. Sent to the Senate for concurrence.

The following order (filed by Mr. Casey of Winchester) was referred, under Joint Rule 30, to the committees on Rules of the two branches, acting concurrently:

Prayer.

Pledge of allegiance.

Resignation of Representative Scott P. Brown of Wrentham.

Taxation  
committee,  
extension of  
time for  
reporting.

Citizen review  
board.

Courts,  
study.

*Ordered,* That, notwithstanding the provisions of Joint Rule 10, the committee on Taxation be granted until Thursday, April 15, 2004 to make its final report on current House document numbered 4485 and current Senate documents numbered 1804 and 2180.

Mr. Scaccia of Boston, for the committees on Rules, then reported that the order ought to be adopted. Under suspension of the rules, on motion of Mrs. Paulsen of Belmont, the order was considered forthwith; and it was adopted. Sent to the Senate for concurrence.

*Reports of Committees.*

By Mr. Scaccia of Boston, for the committee on Rules, that the Bill to create a citizen review board (House, No. 4457) ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Kujawski of Webster, for said committee, reported that the matter be scheduled for consideration by the House.

Under suspension of the Rule 7A, on motion of Mrs. Paulsen of Belmont, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. O’Flaherty of Chelsea, for the committee on the Judiciary, on Senate, Nos. 173, 933, 936, 944, 945, 948, 949, 951, 952, 954, 955, 957, 958, 964, 966, 967, 974, 975, 976, 977, 981, 985, 987, 988, 991, 993, 994, 996, 999, 1001, 1002, 1004, 1009, 1012, 1015, 1016, 1021, 1027, 1030, 1034, 1041, 1058, 1062, 1063, 1075, 1077, 1080, 1082, 1084, 1094, 1099, 1102, 1103, 1108, 1109, 1120, 1122, 1126, 1136, 1137, 1138, 1139, 1140 and 2225 and House, Nos. 2, 90, 96, 147, 172, 173, 174, 175, 176, 177, 178, 179, 180, 182, 183, 185, 378, 379, 380, 381, 382, 383, 385, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 728, 731, 733, 735, 736, 737, 738, 739, 740, 742, 745, 746, 747, 748, 749, 751, 752, 753, 754, 755, 756, 757, 758, 760, 761, 762, 763, 764, 766, 767, 768, 769, 770, 771, 773, 774, 776, 778, 779, 780, 781, 782, 785, 788, 789, 790, 791, 792, 793, 897, 930, 931, 932, 933, 934, 935, 936, 937, 939, 940, 941, 942, 943, 944, 945, 947, 948, 949, 950, 951, 952, 953, 955, 956, 957, 1126, 1127, 1128, 1129, 1130, 1133, 1134, 1136, 1137, 1139, 1140, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1310, 1311, 1312, 1313, 1314, 1315, 1316, 1317, 1318, 1319, 1320, 1321, 1322, 1323, 1525, 1526, 1527, 1529, 1530, 1706, 1708, 1709, 1710, 1711, 1890, 1891, 1892, 1893, 1894, 1895, 1896, 1897, 1898, 1899, 1900, 2008, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2102, 2103, 2104, 2105, 2106, 2107, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2273, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2634, 2635, 2636, 2637, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2797, 2830, 2831, 2832, 2833, 2834, 2835, 2836, 2838, 2839, 2840, 2841, 2842, 2843, 2987, 2988, 2989, 2990, 2991, 2992, 2993, 2995, 2996, 2998, 2999, 3000, 3157, 3184, 3185, 3186, 3187, 3188, 3189, 3191, 3192, 3193, 3194, 3195,

3343, 3344, 3345, 3346, 3347, 3348, 3349, 3350, 3351, 3352, 3353, 3354, 3355, 3356, 3357, 3359, 3360, 3361, 3363, 3365, 3366, 3541, 3542, 3543, 3544, 3545, 3546, 3547, 3549, 3550, 3551, 3552, 3553, 3554, 3555, 3556, 3668, 3669, 3670, 3671, 3672, 3674, 3676, 3677, 3915, 4187, 4188, 4232, 4319, 4320 and 4525, an Order relative to authorizing the committee on the Judiciary to make an investigation and study of certain Senate and House documents concerning the courts of the Commonwealth (House, No. 4609). Referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Subsequently Mr. Scaccia of Boston, for said committees, reported, asking to be discharged from further consideration of the order; and recommending that the same be referred to the House committee on Rules. Under Rule 42, the report was considered forthwith; and it was accepted.

By Mr. Cabral of New Bedford, for the committee on Human Services and Elderly Affairs, on House, Nos. 1108, 1109 and 1110, a Bill to protect disabled persons (House, No. 4612). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Subsequently, Mr. Kujawski of Webster, for said committee reported asking to be discharged from further consideration of the foregoing bill and recommending the same be recommitted to the committee on Human Services and Elderly Affairs. Under Rule 42, the report was considered forthwith; and it was accepted.

By Mrs. Owens-Hicks of Boston, for the committee on Local Affairs and Regional Government on the part of the House, that the Bill providing for workforce reduction through early retirement in the sheriff’s department of certain former counties (House, No. 4476) ought to pass. Referred, under Rule 33, to the committee on Ways and Means.

By Mr. Wagner of Chicopee, for the committee on Transportation, on a petition, a Bill relative to a certain inactive rail line in the town of Falmouth (House, No. 1614).

By the same member, for the same committee, on a petition, a Bill relative to the expenses of the MBTA Advisory Board (House, No. 3277).

Severally read; and referred, under Rule 33, to the committee on Ways and Means.

By Mr. Wagner of Chicopee, for the committee on Transportation, on a petition, a Bill to establish a statewide traffic and emergency information radio station (House, No. 3278). Read; and referred, under Rule 33D, to the committee on Homeland Security and Federal Affairs.

Disabled  
persons.

Sheriff s  
departments,  
early  
retirement.

Falmouth,  
rail line.

M.B.T.A.  
Advisory  
Board.

Statewide  
traffic radio.

Interstates 90 and 93, naming.  
  
By Mr. Wagner of Chicopee, for the committee on Transportation, that the recommitted Bill designating portions of Interstate 90 and Interstate 93 (House, No. 4231) ought to pass [Senator Hedlund, and Representative Evangelidis of Holden, dissenting]. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Street excavations.  
  
By Mr. Wagner of Chicopee, for the committee on Transportation, on a petition, a Bill relative to the regulations of street excavations by utility companies (House, No. 2912).

Bedford, Lenihan bridge.  
  
By the same member, for the same committee, on a petition, a Bill designating a certain bridge along Route 3 in the town of Bedford in memory of Michael P. Lenihan for his tireless effort in ensuring the success of the Route 3 expansion project (House, No. 4394).

Severally read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Orders of the Day.

House bills  
Relative to the standard for commercially used weights and measures devices (House, No. 27) (its title having been changed by the committee on Bills in the Third Reading);

Relative to certain commercial contracts of insurance (House, No. 1700) (its title having been changed by the committee on Bills in the Third Reading); and

Relative to the retirement and health benefits of certain elected officials of the town of Richmond (House, No. 4236);

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

House reports  
Of the committee on Election Laws, ought NOT to pass, on the petition (accompanied by bill, House, No. 512) of David L. Flynn for legislation to establish limits on spending for certain campaigns for public office;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 883) of Frank M. Hynes and Thomas J. O'Brien relative to limiting campaign expenditures of candidates for state office; and

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 886) of Frank M. Hynes for legislation to limit contributions for the promotion or defeat of ballot questions or initiative petitions;

Severally were accepted.

House reports  
Of the committee on Election Laws, ought NOT to pass, on the recommitted petition (accompanied by bill, House, No. 129) of Frank M. Hynes relative to judicial reviews of appeals of the results of election recounts;

Of the same committee, ought NOT to pass, on the recommitted petition (accompanied by bill, House, No. 884) of Frank M. Hynes for legislation to allow the distribution of unsigned election circulars or posters;

Unsigned circulars and posters.

Of the same committee, ought NOT to pass, on the recommitted petition (accompanied by bill, House, No. 1078) of Byron Rushing relative to the use of unsigned circulars and posters for political purposes; and

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Of the same committee, ought NOT to pass, on the recommitted petition (accompanied by bill, House, No. 2781) of Kay Khan relative to the information included on nomination papers of candidates;

Nomination papers.

Severally were considered.

Pending the question, in each instance, on acceptance of the report, the petitions were recommitted, on motion of Mr. Straus of Mattapoisett, to the committee on Election Laws.

Recess.

At twenty-four minutes before twelve o'clock noon, the Chair (Mr. Bosley of North Adams) declared a recess subject to the call of the Chair; and at twelve minutes before five o'clock P.M. the House was called to order with Mr. Bosley in the Chair.

Recess.

Paper from the Senate.

A Bill making appropriations for the fiscal year 2004 to provide for supplementing certain existing appropriations and for certain other activities and projects (Senate, No. 2304) (on a part of House bill, No. 4559), passed to be engrossed by the Senate, was read; and it was referred, under Rule 33, to the committee on Ways and Means.

Supplemental appropriations.

Subsequently Mr. Rogers of Norwood, for said committee, reported that the foregoing bill ought to pass with an amendment striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4613. [Direct Appropriations: \$56,576,122.00]. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Kujawski of Webster, for said committee, reported that the matter be scheduled for consideration by the House, with the amendment recommended by the committee on Ways and Means pending.

Under suspension of the rules, on motion of Mr. Smizik of Brookline, the bill was read a second time forthwith.

The amendment recommended by the committee on Ways and Means was adopted; and the bill, as amended, was ordered to a third reading.

Under suspension of the rules, on motion of Mrs. Paulsen of Belmont, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time; and it was passed to be engrossed. The bill (Senate, No. 2304, amended) then was sent to the Senate for concurrence in the amendment.

Subsequently the bill came from the Senate with the endorsement that said branch had concurred with the House in its amendment

with further amendments in section 2 inserting after item 1232-0200 the following item:

“1599-3385 For a one-time matching grant to the Massachusetts High Technology Council for the purposes of maximizing private sector funding for the Massachusetts Defense Technology Initiative; provided, that the funds shall support the operations of the Massachusetts Defense Technology Initiative for the purposes of preventing the closure of Massachusetts military installations in the present Department of Defense Base Realignment and Closure process; and provided further, that the matching grant shall be matched dollar-for-dollar from private sources ..... 500,000”

[This item was subsequently stricken out by authority conferred to the Counsel to the Senate and the Counsel to the House of Representatives, being duplicative of the same item contained in section 2A];

Striking out section 19 and inserting in place thereof the following section:

“SECTION 19. The tenth paragraph of section 1I of chapter 69 of the General Laws, as amended by section 73 of chapter 46 of the acts of 2003, is hereby further amended by striking out the third sentence and inserting in place thereof the following 2 sentences:— Each school improvement plan shall be submitted to the superintendent for review and approval not later than July 1 of the year in which the plan is to be implemented according to a plan development and review schedule established by the district superintendent. Upon request of the school committee, copies of the plans shall be made available to the committee for review in order to ensure consistency with the 3-year district improvement plan and the district annual action plan; provided, however, that the superintendent shall have final approval authority of all school improvement plans.”;

Inserting after section 26 the following 2 sections:  
“SECTION 26A. Section 2A of chapter 262 of the General Laws, inserted by section 497 of chapter 26 of the acts of 2003, is hereby amended by adding the following paragraph:—

The anniversary fee shall not be assessed against the Commonwealth.

SECTION 26B. Section 4D of said chapter 262, inserted by section 502 of said chapter 26, is hereby amended by adding the following paragraph:—

The anniversary fee shall not be assessed against the Commonwealth.”;

And striking out section 56 and inserting in place thereof the following 2 sections:

“SECTION 56. Sections 12 and 26 shall take effect on July 1, 2004.

SECTION 57. Sections 26A and 26B shall take effect as of October 1, 2003.”.

Under suspension of Rule 35, on motion of Mr. deMacedo of Plymouth, the amendments (reported by the committee on Bills in the

Third Reading to be correctly drawn) were considered forthwith; and they were adopted, in concurrence.

*Emergency Measure.*

The engrossed Bill making appropriations for the fiscal year 2004 to provide for supplementing certain existing appropriations and for certain other activities and projects (see Senate, No. 2304, amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 4 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

*Order.*

On motion of Mr. Finneran of Boston,—  
*Ordered*, That when the House adjourns today, it adjourn to meet on Monday next at ten o’clock A.M.; and that, notwithstanding the provisions of House Rule 12, the Clerk be authorized to dispense with the printing of a Calendar for said sitting.

At one minute before eight o’clock P.M., on motion of Mr. deMacedo of Plymouth (Mr. Bosley of North Adams being in the Chair) the House adjourned, to meet on Monday next at the eleven o’clock A.M.

Supplemental appropriations.

Bill enacted.

Next sitting and printing of Calendar.







